

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 271346

73

ORIGIN IO-03

INFO OCT-01 CCO-00 SS-10 SSO-00 ISO-00 /014 R

66613

DRAFTED BY: IO/UNP:BREIS:SC

APPROVED BY: IO:MMCNAULL

S/S-O:GTWOHIE

----- 019822

O 110246Z DEC 74 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS IMMEDIATE

LIMITED OFFICIAL USE STATE 271346

TOSEC 35

FOLLOWING REPEATS USUN 5841 ACTION DEPT INFO MADRID RABAT
TUNIS ALGIERS NOUAKCHOTT DEC 10TH

QUOTE

LIMITED OFFICIAL USE USUN 5841

E.O. 11652: N/A

TAGS: PFOR UN SS

SUBJ: SPNISH SAHARA

FOLLOWING IS REVISED TEXT OF DRAFT RESOLUTION ON SPANISH
SAHARA WHICH MOROCCANS CLAIM WILL HAVE 23 AFRICAN COSPONSORS
WHEN IT IS PRESENTED IN FOURTH COMMITTEE DEC 10. VOTE IS
EXPECTED DEC 11. SPAIN CLAIMS THAT THEY
HAVE NOT YET RECEIVED INSTRUCTIONS.

QTE

QUESTION OF THE SO CALLED SPANISH SAHARA

DRAFT RESOLUTION

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 271346

THE GENERAL ASSEMBLY,

RECALLING ITS RESOLUTION 1514(XV) OF 14 DECEMBER 1960, ON THE GRANTING OF INDEPENDENCE TO THE COLONIAL COUNTRIES AND PEOPLES,

RECALLING ALSO ITS RESOLUTION 2072(XX) OF 16 DECEMBER 1965, 2229(XXI) OF 20 DECEMBER 1966, 2354(XXII) OF 19 DECEMBER 1967, 2428(XXIII) OF 18 DECEMBER 1968, 2591(XXIV) OF 16 DECEMBER 1969, 2711(XXV) OF 14 DECEMBER 1970, 2983(XXVII) OF 14 DECEMBER 1972 AND 3162(XXVIII) OF 14 DECEMBER 1973,

REAFFIRMING THE RIGHT TO SELF DETERMINATION OF THE POPULATIONS OF THE SO-CALLED SPANISH SAHARA IN ACCORDANCE WITH RESOLUTION 1514 OF 14 DECEMBER 1960,

CONSIDERING THE THE PRESISTENCE OF A COLONIAL SITUATION IN WESTERN SAHARA, JEOPARDIZES THE STABILITY AND HARMONY IN THE NORTH-WEST AFRICAN REGION,

TAKING INTO ACCOUNT THE STATEMENTS MADE IN THE GENERAL ASSEMBLY ON 30 SEPTEMBER AND 2 OCTOBER 1974, BY THE MINISTERS OF FOREIGN AFFAIRS OF THE KINGDOM OF MOROCCO AND THE ISLAMIC REPUBLIC OF MAURITANIA,

TAKING NOTE OF THE STATEMENT MADE IN THE FOURTH COMMITTEE BY THE REPRESENTATIVES OF MOROCCO AND MAURITANIA, IN WHICH THESE TWO COUNTRIES ACKNOWLEDGED THAT THEY WERE BOTH INTERESTED IN THE FUTURE OF THIS TERRITORY,

HAVING HEARD THE STATEMENT BY THE REPRESENTATIVE OF THE PEOPLES' DEMOCRATIC REPUBLIC OF ALGERIA,

HAVING HEARD THE STATEMENT BY THE REPRESENTATIVE OF SPAIN

NOTING THAT DURING THE DISCUSSION A LEGAL CONTROVERSY AROSE OVER THE STATUS OF THE SAID TERRITORY AT THE TIME OF ITS COLONISATION BY SPAIN,

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 271346

CONSIDERING THEREFORE THAT FOR FUTURE DISCUSSION IT IS HIGHLY DESIRABLE THAT THE GENERAL ASSEMBLY SEEK A CONSULTATIVE OPINION ON SOME IMPORTANT LEGAL ASPECTS OF THE PROBLEM DURING ITS THIRTIETH SESSION,

BEARING IN MIND ARTICLE 96 OF THE CHARTER OF THE UNITED NATIONS, AND ARTICLE 66 OF THE STATUS OF THE INTERNATIONAL

COURT OF JUSTICE,

1. DECIDES TO SEEK AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE WITHOUT PREJUDICE OF THE APPLICATION OF THE PRINCIPLES EMBODIED IN RESOLUTION 1514 OF 14 DECEMBER 1960 AT AN EARLY DATE ON THE FOLLOWING QUESTIONS:

I-WAS THE WESTERN SAHARA (RIO DE ORO AND SAKIET EL HAMRA) RES NULLIUS AT THE TIME OF COLONISATION BY SPAIN?

IF THE ANSWER TO THE FIRST QUESTION WAS IN THE NEGATIVE,

II-WHAT LEGAL TIES EXISTED BETWEEN THIS TERRITORY AND BOTH THE KINGDOM OF MOROCCO AND MAURITANIA AS A WHOLE?

2. CALLS UPON SPAIN, IN ITS CAPACITY AS ADMINISTERING POWER IN PARTICULAR, AS WELL AS MOROCCO AND MAURITANIA IN THEIR CAPACITY AS INTERESTED PARTIES, TO SUBMIT TO THE COURT ALL SUCH INFORMATION AND DOCUMENT AS MAY BE NEEDED TO CLARIFY THESE QUESTIONS;

3. INVITES URGENTLY THE ADMINISTERING POWER TO POSTPONE THE REFERENDUM IT HAD CONTEMPLATED IN WESTERN SAHARA UNTIL THE

GENERAL ASSEMBLY DECIDES ON THE POLICY TO BE FOLLOWED IN ORDER TO ACCELERATE THE DECOLONISATION PROCESS IN THIS TERRITORY IN ACCORDANCE WITH RESOLUTION 1514(XV) IN THE BEST POSSIBLE CONDITION, IN THE LIGHT PARTICULARLY OF THE CONSULTATIVE OPINION GIVEN BY THE INTERNATIONAL COURT OF JUSTICE;

4. REITERATES ITS INVITATION TO ALL STATES TO OBSERVE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 271346

THE RESOLUTIONS OF THE GENERAL ASSEMBLY REGARDING THE ACTIVITIES OF FOREIGN, ECONOMIC AND FINANCIAL INTERESTS, AND TO ABSTAIN FROM CONTRIBUTING BY THEIR INVESTMENTS OR IMMIGRATION POLICY TO THE MAINTENANCE OF A COLONIAL SITUATION IN THIS TERRITORY;

5. REQUESTS THE SPECIAL COMMITTEE TO KEEP THE SITUATION IN THIS TERRITORY UNDER VIEW, INCLUDING THE SENDING OF A VISITING MISSION TO THE TERRITORY, AND REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTIETH SESSION. UNQUOTE
SCALI UNQUOTE
INGERSOLL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INDEPENDENCE, AGREEMENT DRAFT, TEXT, TOSEC 35, RESOLUTIONS, DEPENDENCIES
Control Number: n/a
Copy: SINGLE
Draft Date: 11 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE271346
Document Source: CORE
Document Unique ID: 00
Drafter: IO/UNP:BREIS:SC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740359-0232
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741243/aaaabkoh.tel
Line Count: 166
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 08 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 APR 2002 by elyme>; APPROVED <15-Aug-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SPNISH SAHARA FOLLOWING IS REVISED TEXT OF DRAFT RESOLUTION ON SPANISH
TAGS: PFOR, SS, UN
To: BRUSSELS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005